

Docket No.: 10034.547

**COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am a sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEVICE AND METHOD FOR RECOGNIZING PARTICLES IN MILK

described and claimed in the specification bearing that title, and I have reviewed and understand the content of the application including the claims as amended by any amendment specifically referenced to herein, namely, _____, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56, and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States prior to this application by me or my legal representatives or assigns:

German Application 10 2004 014 832.5, filed March 24, 2004, the International Priority of which is claimed under 35 U.S.C. §119; and International Application PCT/EP2005/002943, filed March 19, 2005, the Priority of which is claimed under 35 U.S.C. §120, and United States Application Serial No. 10/592,917, filed September 15, 2006.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Jeffry W. Smith, Reg. No. 33455

Address all correspondence and telephone calls to:

**SMITH LAW OFFICE
440 Science Drive, Suite 302
Madison, WI 53711
(608) 663-8200**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE INVENTOR: WIETHOFF, MAGNUS

INVENTOR'S SIGNATURE: Magnus Wiethoff

DATE: 10.13, 2006

Residence: OELDE, GERMANY

Country of Citizenship: DE

Post Office Address: FRIEDHOFSWEG 6
59302 OELDE
GERMANY